

JUN 18 1999

)

)

(

)

)

)

12

DATE

1

22

100

mi

2

le

..

11

•

10

24

1

20

2

ev

1

) CC Docket No. 94-102

DOCKET FILE COPY ORIGINAL

The Association of Public-Safety Communications Officials-International, Inc.

On May 25, 1999, APCO submitted “ Further Comments” setting forth proposed conditions for granting waivers of the current Phase II implementation date for the purpose of implementing location technologies that require replacement or modification of handsets. The *Public Notice* is seeking comments regarding APCO’s proposal, among other matters. APCO looks forward to the comments of other parties and to the Commission's 9-1-1 technical forum on June 28, 1999. At this point, APCO will limit its comments to reiterating its position on several underlying issues related to Phase II implementation.

249

The Commission's first priority must be to do everything within its authority to encourage the rapid implementation of technologies that will permit Public Safety Answering Points (PSAPs) to locate wireless 9-1-1 callers. PSAPs must have that location information, and they must have it sooner rather than later. The rapid expansion of wireless telephone use and the concurrent increase in 9-1-1 calls from wireless phones makes this information essential for the protection of life, health and property. Far too often PSAPs receive requests for emergency help, but must delay the response while they attempt to identify the location of the caller, who is often unaware of their exact location.

Unfortunately, as the Commission recently acknowledged, the pace of Phase I and Phase II implementation is far too slow. Under the current rules, very few wireless users are likely to have Phase II capability as of October 1, 2001, the original target date. The reasons for this are many, and include the costs for both PSAPs and wireless carriers, technical problems, local exchange carrier impediments, and the prerequisite that states have cost recovery mechanisms in place. The lack of clarity in the cost recovery requirement, the fact that many states have yet to adopt any cost recovery provisions, and the inadequacy of many of the provisions that have been adopted, are particularly serious problems. Simply enforcing the FCC's rule will not solve these problems, however, since failure to comply with current rules is not the principal cause of delay. APCO looks forward to a more detailed examination of these problems in the report that it and other parties will prepare in response to the Commission's separate *Public Notice*, FCC 99-132, released June 9, 1999. Hopefully that process will identify solutions and prescribe specific Commission action.

APCO's proposal regarding handset options in its "Further Comments" is an effort to address just one aspect of the wireless E9-1-1 implementation problem. Location technology selection is merely a means to the end, and is not by itself the principal issue before the Commission. However, in light of the problems currently facing Phase I and Phase II implementation, one possible means of improving the situation is to provide additional technology options. APCO reiterates once again that it does not support one technology over another. Rather, it firmly believes that the availability of competing technologies will lead to improved performance and lower costs, which in turn will facilitate earlier Phase II implementation.

The difficulty, and controversy, facing the Commission is that some location technologies require replacing or modifying handsets and, therefore, necessarily take longer to implement fully for all subscribers than the time allowed for by the October 1, 2001 deadline in the current rule. That, in part, has led to the parade of requests from carriers seeking waivers of the Phase II deadline. APCO's willingness to consider the merits of such waivers (either as waivers *per se*, or as the basis for a rule revision) is based largely on the reality that, with or without waivers, few wireless users will have access to Phase II capability by October 1, 2001. At this point, 23 States lack any form of cost recovery (including some of the nation's most populous states). Within the past month, two of these States (North Dakota and Hawaii) have seen cost recovery legislation vetoed. Even among the 27 States that currently have cost recovery mechanisms in place, a substantial number, if not a majority, are clearly inadequate in terms of the amount of available funds relative to expected Phase II costs.

It has been suggested that maintaining October 1, 2001 as a firm deadline is necessary for there to be a “level playing field” among competing technologies. However, if the playing field is to be leveled, there must also be a recognition that the current situation has already created an implementation schedule that will not begin for most wireless users until long after October 1, 2001. In that context, creating opportunities for carriers to adopt handset options will not cause any real delay in Phase II implementation, and may actually speed delivery of Phase II capability. The added competition among technology providers should lower costs for all location technologies, overcoming one of the greatest impediment to wireless E9-1-1 implementation. Furthermore, under the schedule proposed by APCO, wireless subscribers could obtain location capability as early as January 1, 2001, with required benchmarks for handset penetration levels. As the Commission notes, handset options may also improve location accuracy.

While facilitating technology options hopefully will speed Phase II implementation, granting of waivers without firm conditions could delay Phase II indefinitely, especially since some carriers appear to view waivers as an excuse for doing nothing. This dilemma is what led to APCO’s proposal in its Further Comments. There are two critical aspects to APCO’s proposal for carriers to obtain waivers of the Phase II deadline. First, there are requirements related to the sale and deployment of new handsets on such wireless carriers’ networks. Second, and equally important, there are requirements that carriers meet penetration levels of location capable handsets within a

specified schedule.<sup>1</sup> Substantial handset turnover is likely to occur in any event as carriers continue to offer deeply discounted or free handsets to attract and maintain subscribers, who will also be attracted by new handset features (*e.g.*, digital capability, extended battery life, voice-mail, and even location capability itself). However, turnover rate could change dramatically depending upon market conditions and the pace of new feature offerings. Therefore, there must be a “guaranteed rate” of turnover with the goal of quickly reaching a point at which nearly 100% of subscribers have location capable phones.<sup>2</sup>

APCO intends to file Reply Comments on July 2, 1999, regarding the comments filed today by other parties, and the information gleaned from the technical forum on June 28.

---

<sup>1</sup> APCO would certainly favor accelerating the schedule in its proposal, if supported by reliable information provided by other parties.

<sup>2</sup> The Commission’s description of APCO’s proposal in the *Public Notice* is inaccurate with regard to the percentage of handset in use that must be ALI capable by the end of 2005. APCO’s proposed percentage was 99%, not 100% as stated in the *Public Notice*. APCO recognizes that some small number of handsets may take many more years to be replaced, regardless of carriers’ efforts.

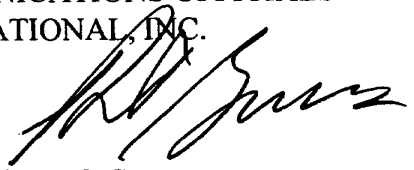
## CONCLUSION

APCO supports the imposition of handset implementation standards for Phase II compliance, as set forth above and in its Further Comments.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY  
COMMUNICATIONS OFFICIALS-  
INTERNATIONAL, INC.

By:



Robert M. Gurss  
WILKES, ARTIS, HEDRICK & LANE,  
Chartered  
1666 K Street, N.W. #1100  
Washington, D.C. 20006  
(202) 457-7329

June 17, 1999